

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

JIMMIE C. GARDNER,

Plaintiff,

v. Civil Action No. 2:17-cv-03934

KANAWHA COUNTY COMMISSION;
and KANAWHA COUNTY PROSECUTING
ATTORNEY, in his official
capacity;

Defendants.

ORDER

Pursuant to the court's order, entered February 12, 2018, this case is stayed pending resolution of the parties' motions to dismiss. (ECF # 47). The court has this day entered a memorandum opinion and order resolving those motions. It is, accordingly, ORDERED that the stay in this case be lifted.

It is further ORDERED that the remainder of this case shall proceed as follows:

Deadline	Date
Last date to serve discovery requests	01/07/2020
Opening Rule 26 expert disclosures	12/23/2019
Responsive Rule 26 expert disclosures	01/22/2020
Rebuttal Rule 26 expert disclosure	02/07/2020
Discovery to close	02/21/2020
Dispositive motions deadline	03/12/2020
Response to dispositive motion	03/26/2020
Reply to response to dispositive motion	04/02/2020

Settlement meeting	05/06/2020
Motion in limine deadline	05/11/2020
Responses for motions in limine	05/18/2020
Proposed pretrial order to defendant	05/11/2020
Integrated pretrial order	05/18/2020
Pretrial conference	05/22/2020 1:30 PM
Proposed jury charge	06/10/2020
Final settlement conference	06/15/2020 1:30 PM
Trial	06/16/2020 9:30 AM

The last date to complete depositions shall be the "discovery to close" date by which all discovery shall be completed. Pursuant to Local Rule 26.1(c), the court adopts and approves the agreements of the parties with respect to limitations on discovery (numbers of interrogatories, requests for admissions, and depositions), as set forth in the parties' Rule 26(f) report of planning meeting, filed February 1, 2018 (ECF # 41).

Regarding the settlement meeting, the parties and their lead trial counsel, if any, shall meet and conduct negotiations looking toward the settlement of the action, and counsel and any unrepresented parties will be prepared at the pretrial conference to certify that they have done so. Counsel for the plaintiff(s) shall take the initiative in scheduling the settlement meeting, and all other counsel and unrepresented parties shall cooperate to effect such negotiations. If the action is not settled during the settlement meeting or mediation

session, and if there is no order or stipulation to the contrary, counsel and unrepresented parties shall make all Rule 26(a) (3) disclosures at the conclusion of the meeting or session.

The proposed integrated pretrial order, signed by all counsel and unrepresented parties, shall set forth the matters listed in Local Rule of Civil Procedure 16.7(b) .

At both the pretrial and final settlement conferences, lead trial counsel shall appear fully prepared to discuss all aspects of the case. Individuals with full authority to settle the case for each party shall be present in person or immediately available by telephone.

Regarding the proposed charge to the jury, counsel shall submit numbered instructions in charge form on substantive theories of recovery or defense, on damages and on evidentiary matters peculiar to the case, and special interrogatories, if any be appropriate to the case, along with a proposed verdict form.

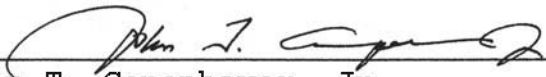
Should lead trial counsel fail to appear at any pre-trial conference or otherwise fail to meet and confer in good faith with opposing counsel as required herein, or should a party or his authorized representative fail to appear or be available at any conference or otherwise fail to meet and confer

in good faith as required herein, appropriate sanctions may be imposed, including, but not limited to, sanctions by way of imposition of attorney fees against the attorney and/or his client pursuant to Fed. R. Civ. P. 16(f).

All proceedings shall be held by the court at the Robert C. Byrd United States Courthouse, Charleston, West Virginia.

The Clerk is directed to transmit copies of this order to all counsel of record and any unrepresented parties.

ENTER: August 28, 2019



John T. Copenhaver, Jr.
Senior United States District Judge